

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**MMOBUOSI ODOGWU BANYE (a/k/a DOZY
MMOBUOSI), TINGO GROUP, INC., AGRI-
FINTECH HOLDINGS, INC. (f/k/a TINGO
INC.), and TINGO INTERNATIONAL
HOLDINGS, INC.,**

Defendants,

1:23-cv-10928 (JMF)

**DECLARATION OF DAVID ZETLIN-JONES IN SUPPORT OF PLAINTIFF'S
REQUEST FOR A CERTIFICATE OF DEFAULT AS TO ALL DEFENDANTS**

I, David Zetlin-Jones, pursuant to 18 U.S.C. § 1746, hereby declare that:

1. I am trial counsel for plaintiff Securities and Exchange Commission (the “Commission”). I have been counsel in this action since it was filed on December 18, 2023, and I am fully familiar with all the facts and circumstances in this action and described herein.

2. I make this declaration pursuant to Rule 55.1 of the Local Rules for the Southern and Eastern Districts of New York, in support of the Commission’s application for a Certificate of Default against each of Defendants Mmobuosi Odogwu Banye (a/k/a Dozy Mmobuosi) (“Mmobuosi”), Tingo Group, Inc. (“Tingo Group”), Agri-Fintech Holdings, Inc. (f/k/a Tingo Inc.) (“Agri-Fintech”), and Tingo International Holdings, Inc. (“TIH”).

AGRI-FINTECH

3. On January 18, 2024, Defendant Agri-Fintech returned an executed waiver of service of the summons and Complaint in this matter. (Dkt. No. 35.)

4. Proof of Agri-Fintech's waiver of service of the summons and Complaint was filed with the Court on January 25, 2024. *Id.*

5. The deadline for Defendant Agri-Fintech to answer or otherwise respond to the Complaint was initially set for March 18, 2024 (*id.*) and subsequently extended by the Court to April 17, 2024 (Dkt. No.47).

6. Defendant Agri-Fintech has not answered or otherwise responded to the Complaint.

7. Defendant Agri-Fintech, a Nevada corporation headquartered in Utah, is not an infant or an incompetent person. Nor is corporate Defendant Agri-Fintech presently in the military service of the United States.

TINGO GROUP

8. On January 25, 2024, Defendant Tingo Group returned an executed waiver of service of the summons and Complaint in this matter. (Dkt. No. 34.)

9. Proof of Tingo Group's waiver of service of the summons and Complaint was filed with the Court on January 25, 2024. *Id.*

10. The deadline for Defendant Tingo Group to answer or otherwise respond to the Complaint was initially set for March 18, 2024 (*id.*) and subsequently extended by the Court to April 17, 2024 (Dkt. No. 47).

11. Defendant Tingo Group has not answered or otherwise responded to the Complaint.

12. Defendant Tingo Group, a Delaware corporation headquartered in New Jersey, is not an infant or an incompetent person. Nor is corporate Defendant Tingo Group presently in the military service of the United States.

TIH

13. On January 30, 2024, Defendant TIH, a Delaware corporation with its principal place of business in Stamford, Connecticut, was served with the summons and Complaint by a process

server through an authorized recipient for the Connecticut Secretary of State, TIH's statutory agent for service of process. (Dkt. No. 37.)

14. Proof of service was filed with the Court on February 5, 2024. *Id.*

15. The deadline for Defendant TIH to answer or otherwise respond to the Complaint expired on February 20, 2024.

16. Defendant TIH has not answered or otherwise responded to the Complaint.

17. Defendant TIH, a Delaware corporation headquartered in Connecticut, is not an infant or an incompetent person. Nor is corporate Defendant TIH presently in the military service of the United States.

MMOBUOSI

18. On May 21, 2024, the Court entered an order authorizing service on Defendant Mmobuosi by alternative means, including (a) by email to dozy.mmobuosi@tingoinc.com and dozy.mmobuosi@gmail.com; (b) by WhatsApp message to 447424634920@s.whatsapp.net and 447538504933@s.whatsapp.net; and (c) by email to Defendant Mmobuosi's counsel at the law firms of Amsterdam & Partners, LLP and Agnifilo Intrater, LLP. (Dkt. No. 55.)

19. On May 22, the Commission staff caused Defendant Mmobuosi to be served by the authorized means specified in the Court's May 21, 2024 Order. (Dkt Nos. 56–58.)

20. Proof of service was filed with the Court on May 24, 2024. (Dkt. Nos. 56–58.)

21. The deadline for Defendant Mmobuosi to answer or otherwise respond to the Complaint expired on June 12, 2024.

22. Defendant Mmobuosi is not an infant or incompetent person. Nor is Defendant Mmobuosi presently in the military service of the United States as appears from the facts in this litigation.

23. Wherefore, the Commission requests the issuance of a Certificate of Default against

each of Defendants Agri-Fintech, Tingo Group, TIH, and Mmobuosi.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 18, 2024

/s/ David Zetlin-Jones
David Zetlin-Jones